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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 || UNITED STATES OF AMERICA

No. CR 08-0730 WHA

11 Plaintiff

V.

13 || ANGEL NOEL GUEVARA, *et al.*

## **REQUEST FOR FURTHER OFFER OF PROOF BY DR. DEBORAH DAVIS**

14 Defendants.

16        Further with respect to Dr. Deborah Davis and the extent to which she may be allowed to  
17 testify, counsel for defendant Angel Noel Guevara shall please file, no later than **5 P.M. ON**  
18 **THURSDAY, MAY 12, 2011**, a detailed offer of proof limited to issues raised by the testimony of  
19 SFPD Sergeant Scott Lau that the photographic line-ups used in connection with the stabbings on  
20 December 26, 2007, were “as fair as possible.” This critique is to be limited to best practices (or  
21 not) involved in photographic line-ups and the problem of suggestiveness and how to avoid it.  
22 The critique should not extend to general weaknesses in eyewitness identification and memory or  
23 anything other than photographic lineups.

24        Each proposed opinion shall be separately stated with specificity (and numbered). After  
25 each opinion, the proffer must list and cite the references and evidence on which the opinion is  
26 based, block quoting the paragraphs therein believed to support the opinion. The proffer must be  
27 signed by the witness as well as counsel.

**United States District Court**

For the Northern District of California

1        Within one week thereafter, by **5 P.M. ON THURSDAY, MAY 19, 2011**, the government may  
2 oppose in writing. The Court will then evaluate the foregoing and decide whether, and if so the  
3 extent, to which Dr. Davis shall be permitted to testify.

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5        **IT IS SO ORDERED.**

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7        Dated: April 20, 2011.

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*Wm Alsup*

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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

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